

# Deep Rot in Slovakia

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Normally, in response to what is presently unravelling in Slovakia, people would say something along the lines that the public is shaken up or that this or that politician's career is over. It is difficult to be certain at this point, however, whether the latest revelations truly shock anyone anymore and whether they will have any consequences for anyone beyond the two main protagonists.

I believe the basic facts of this case to be sufficiently astounding to interest the reader without much additional commentary. The only broader question that I would like to pose is how different (similar) the situation is in Slovakia to what we have gotten used to from Hungary and Poland.

Marian Kocner, an entrepreneur (according to Wikipedia), was arrested by the Slovak police on 20 June 2018. Although the charges on which he was originally held related to allegations that he falsified securities of TV Markiza, one of the main commercial television stations in Slovakia, the broader context of his arrest is that he has also been suspected of ordering the murder of journalist Jan Kuciak who was slain in February 2018.

## Exhibit A: Judges

Since his arrest, information from his communication with various public figures has surfaced. He has exchanged more than 6000 chat messages with former State Secretary for Justice Monika Jankovska (No 2 after Minister of Justice) who only recently failed in her bid to become a Constitutional Court judge. The crux of the matter in their exchanges was a lawsuit concerning the false securities (worth 69 mil EUR) Kocner held against TV Markiza.

The messages reveal that since September 2017 Kocner should have been directing the Justice Secretary to kill the lawsuit that would question the authenticity of his securities. This is indeed what happened in April 2018. Jankovska appeared in turn to be directing a judge (Maruniakova), her former subordinate, to do what Kocner asked. At one point Jankovska – who is a judge herself, by the way – said in the conversation that she “*made her what she is today. Time to pay back the loan!!!!*” (sic). At another point Kocner mentions that the judge better delivers, unless she “*wants to end up like Kuciak*” (this was just days after his murder). Judge Maruniakova duly delivered, throwing out the case against Kocner's securities without actually examining the substance in detail.

Other judges were also mentioned in the text messages, and it is virtually certain that Jankovska and Maruniakova are not the sole “bad apples” in the Slovak judiciary. Samuel Spac, a political scientist, [found](#) that the circumstances of the latter's judicial appointment give rise to serious doubts.

Jankovska was forced to resign in September 2019 after her communication with Kocner started coming to light. She appealed to her immunity as a judge and several other judges complained about the police intruding on judicial independence by seizing Jankovska's phone. The Slovak judiciary features quite a few vocal defenders of judicial independence (two were on the appointment committee of Maruniakova), not least Supreme Court judge Stefan Harabin who, after running in presidential elections earlier this year, now also presides over a new far-right party.

## Exhibit B: General Prosecutor

Whereas in the case of Jankovska we have only seen the transcripts of text messages, a more recent [recording](#) of a conversation between Kocner and Dobroslav Trnka, at the time the General Prosecutor, really brings the decadence to life. Kocner absolutely eviscerates the prosecutor in the conversation, because he has apparently mishandled the *kompromat* he had left with him some years prior (the *Gorila* material that sparked protests in 2012 and implicates various politicians, including former PM Fico). Mishandled is perhaps the wrong word here; Trnka with some associates appear to have asked for money from another oligarch (who happens to be a partner at one of the largest investment funds in Central Europe and is worth nearly a billion EUR).

Although Kocner and Trnka openly talk about various illegal activities and bribes worth millions EUR, it is the tone of the conversation that is the most remarkable about the exchange. Kocner is constantly calling the prosecutor names and talking down to him as if he is lecturing a child. He catches him lying several times with Trnka turning sheepish thereafter. Trnka mentions a few times that he is going to get killed. Kocner threatens him and his son if he does not tell him the truth. The recording is a barely believable testament to an era whose end was tragically initiated by the death of Jan Kuciak and Martina Kusnirova. In his investigative work, Kuciak uncovered a good part of Kocner's activities. He had also filed a police complaint due to Kocner's threats against him before being killed.

## Backsliding from where?

Unlike in Poland and Hungary, the government in Slovakia has not mounted a serious offence against the judiciary in the preceding decade. On the contrary, there is a persuasive argument that a high degree of judicial (and prosecutorial) independence has shielded individuals from being held accountable.

The above is really just the tip of the iceberg. Arguably, an even more appalling record is quietly enjoyed by the special prosecutor, Dusan Kovacic, who has somehow managed to successfully prosecute exactly one case against a major public figure (likely because the now sentenced former ministers lost political backing), despite dozens of corruption allegations coming and going over the years.

At this point it is almost impossible to keep track of all the figures implicated in one or the other scandal. Shadowy figures seem to be floating all around the place and

public trust in state institutions – and the judiciary in particular – is shot. Journalists are quite literally putting their bodies on the line to enable the population to at least catch a glimpse of the rot.

I am not arguing for voters to embrace apathy or stop trying to distinguish the good from the bad. But the events and revelations of the past two years make untenable the argument that Slovakia might be backsliding in terms of the rule of law. Kocner has been around for more than 20 years, Trnka was the General Prosecutor between 2004 and 2011 and has been “just” a regular prosecutor since. At the moment, there appears to be scarcely anywhere to backslide from.

